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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,165	10/31/2003	Jonathan D. Herbach	07844-623001	1607
21876	7590	04/16/2008	EXAMINER	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			DUNN, DARRIN D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/699,165	HERBACH ET AL.
	Examiner	Art Unit
	DARRIN DUNN	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) 9-11,20-22 and 30-34 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/20/2007</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 01/10/2008.
2. Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 12-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant's specification (page 46) teaches that a signal may be used to act as a medium. In this embodiment the program is still unable to act as a computer component and have its functionality realized.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Raciborski et al. (USPN 20050132083) in view over Heath et al. (USPN 6006034)
8. As per claims 1, 12, and 42, Raciborski et al teaches a method comprising:
- receiving, at a server, a request from a client to take an action with respect to an electronic document ([ABSTRACT], [0028]);
- retrieving a document identifier from the request ([0023] e.g., which documents to be downloaded, selection of subset from pre-defined group, status information,, and usage information);
- determining whether user authentication is needed based on the document identifier and the action ([0020] ,[0036] e.g., user identification for content group as to permit content download for the selected content objects);
- sending information specifying an acceptable authentication procedure ([0033], [FIG 4D] e.g., download manager program]);
- obtaining, at the server and in response to the request, a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure ([0033], [0041], [FIG 4D -404-428] e.g., password authentication),;
- sending the authentication program to the client for use in identifying a current user and controlling the action with respect to the electronic document based on the current user and document-permissions information associated with the electronic document ([0041], [0043] e.g.,

user identifying, i.e., passwords, and controlling action, i.e., unauthorized downloading, with respect to the content objects upon receiving the download manager)

However, Raciborski et al. does not teach a client requesting an authentication procedure update request (unless it is interpreted that download manager is compiled/updated after the content objects are requested from a user. It is implied that subsequent content objects requests are made via a user, in effect requiring a new compilation of the download manager software, i.e., authentication procedure). Heath teaches an automatic application upgrade initiated via a client request ([COL 1 lines 55-65], [COL 2 lines 1-15, lines 46-50])

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to initiate an update request via a client to ensure local client programs are current. It is foreseeable that modifications to resident server programs are likely to occur, in effect requiring a corresponding update to a client's software. By enabling a client to request an update request, the system ensures that both remote and local programs are current.

9. As per claims 3, 14, and 36 Raciborski et al, as modified, teaches a method comprising:
 - receiving at a server a request from a client to take an action with respect to an electronic document (ABSTRACT], [0028]);;
 - obtaining at the server and in response to the request a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure ([FIG 4D], [0033] – download manager);
 - sending the authentication program to the client for use in identifying a current user and controlling the action with respect to the electronic document based on the current user and document-permissions information associated with the electronic document ([0033], [FIG 4D],

[0041]);

receiving an updated authentication procedure (e.g., *supra* Heath claim 1 for discussion);
receiving a subsequent request from the client to take the action with respect to the electronic document ([COL 2 lines 1-15, lines 46-50] e.g., Heath teaches periodic requests for an update);
obtaining, in response to the subsequent request, a new software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the updated authentication procedure (e.g. Heath ,as applied to the download manager, teaches a client update request is receptive to an updated application program, where the download manager, *supra* Rociborski et al. provides a download manager); and
sending the new software program to the client for use in identifying the current user and controlling the action with respect to the electronic document based on the current user and the document-permissions information associated with the electronic document ([FIG 4D], [0041], 0043])

10. As per claims 4, 15, and 37 Rociborski et al. teaches the method of claim 1, wherein the software program uses an existing interface provided by the client to communicate authentication information to the server ([FIG 2A-208]).

11. As per claims 6, 17, and 39 Rociborski et al. teaches the method of claim 5, wherein the input obtained by the client comprises text input ([0041], [0043] e.g., password).

12. As per claims 7 ,18, and 40 a Rociborski et al. teaches the method of claim 5, wherein the input obtained by the client comprises biometric data ([0043] e.g., biometric authentication)

13. As per claim 23, Rociborski et al. teaches a system comprising:

a client that sends a request to a server when an action is to be taken with respect to an electronic document local to the client ([0031] vs [0037] e.g., content downloaded local to user machine. ‘Local to the client’, not defined, is interpreted as a file designated for download to a particular machine opposed to multiple machines, i.e., remote to client) ;

the server that receives the request, and in response to the client, the server obtains and sends a software program comprising instructions operable to cause one or more data processing apparatus to perform operations effecting an authentication procedure ([0033] e.g., download manager); and

wherein the client uses the authentication program to identify a current user and control the action with respect to the electronic document based on the current user and document-permissions information associated with the electronic document ([0041], [0043], [FIG 4D])

14. As per claim 25 Raciborski et al. teaches the system of claim 23, wherein the client includes a security handler that provides a server-communication interface to the software program ([0020] e.g., transaction session identifier)

15. Claims 2,13,24, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raciborski et al. (USPN 20050132083) in view over Heath et al. (USPN 6006034) and in further view over Kano et al. (USPN 20030135650)

16. As per claims 2,13, 24, and 35, Raciborski et al. teaches a server comprising an application program ([0033]); however, the reference does not teach requesting and receiving the program from a second server. Kano et al. teaches a backup server ([ABSTRACT])

Therefore, at the time the invention was made, it would have been obvious to have provided a backup server as taught by Kano et al. to provide fault tolerant system. In the event of a primary server failure, it would be advantageous to enable the software to be downloaded from a backup server as to enable continuous access to content.

17. Claims 8, 19, 27, 38, and 41 are rejected over Raciborski et al. (USPN 20050132083) in view of Heath et al. (USPN 6006034) and in further view of Hu (USPN 5586260).

18. As per claim 8, 19, 27, 38, and 41, Raciborski et al. teaches receiving input from a client using the software ([0041], [0043]) e.g., password). It does not teach receiving an authentication receipt from a third party authentication server based on input obtained by the client using the software. Hu teaches returning an access key from an authentication gateway acting as a proxy server to the client, i.e., receipt, based on credentials ([ABSTRACT], [COL 1 lines 58-63] e.g., receiving an authentication receipt from a third party authentication server) and verifying the current user with the third party authentication server using the authentication receipt ([COL 1 lines 18-20], lines 59-63], [ABSTRACT] e.g., authenticating a client)

Therefore, at the time the invention was made, it would have been obvious to have provided a means in which to authenticate a client via saving security credentials,. Raciborski et al. teaches authenticating a user via credentials as to enable access to content on a server. Hu et al. teaches saving security credentials for later use and generating an access key for their retrieval and passing the access key to the client. In effect, saving the security credentials for later use and providing an access key for their retrieval obviates the need for repeated authentication. As a result, the system is further optimized and limits redundant authentication procedures.

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19. As per claims 5,16,26, and 38, Raciborski et al teaches receiving credentials information from the client derived at least in part based on input obtained by the client using the software program ([0041], [0043] e.g., passwords). However, the reference does not teach communicating with a third party authentication server to authenticate the current user based on the credentials information. Hu teaches a third party authentication server ([ABSTRACT])

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to implement a third party authentication server as taught by Hu et al. Hu teaches a method for authenticating a client for a server. Raciborski teaches a system for authenticating a user/client to enable access to content stored on a server. Since a third party authentication server provides a well known means in which to maintain, store, and retrieve credentials, it would have been advantageous to provide this server as an additional means, in effect providing both redundancy in addition to reducing load on the primary server.

20. As per claim 28, Raciborski et al., as modified, teaches a server comprising:

a server core with configuration and logging components ([0029])

an internal services component that provides functionality across dynamically loaded methods ([0029] e.g., web page)

dynamically loaded external services providers, including an authentication service provide (supra Hu for authentication server - ABSTRACT)

21. Claim 29 is rejected Raciborski et al. (USPN 20050132083) in view of Tenerello (USPN 7233981)

22. As per claim 29, Raciborski et al. teaches a business logic tier comprising a cluster of document control servers ([0029] e.g. content delivery networks); an application tier including

the client comprising a viewer client, a securing client, and an administration client ([FIG 1-FIG 2A – client computer functions via providing a view – browser, securing – downloading the manager (securing a program), and administration (storage media)). However, Raciborski et al does not teach a load balancer that routes client requests to the document control server. Tenerello teaches a system and method for load balancing ([COL 1 lines 14-20], [COL 2 lines 63-67])

Therefore, at the time the invention was made, one of ordinary skill would have motivation to load balance a system. Raciborski et al. teaches that various user computers may access content objects ([0029]). Tenerello teaches a load balancing means in which multiple requests may be efficiently processed. Since load balancing increases performance of a system, it would have been obvious to have enabled a system employing multiple user computers, each requesting access to a resource, a means to load balance the requests as to optimize the system.

Response to Amendment

23. The amendment, filed 12/20/2007, has been entered.

Response to Arguments

24. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARRIN DUNN whose telephone number is (571)270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD
03/16/2008

/Albert DeCady/
Supervisory Patent Examiner, Art Unit 2121